



March 18, 2011

PG&E Letter DCL-11-032-Public

10 CFR 73.5

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555

Docket No. 50-275, OL-DPR-80
Docket No. 50-323, OL-DPR-82
Diablo Canyon Units 1 and 2
Request for Exemption from Specific 10 CFR Part 73 Requirements

References:

1. PG&E Letter DCL-09-085-Public, "Request for Exemption from Specific 10 CFR Part 73 Requirements," dated December 04, 2009
2. NRC letter to PG&E, "Diablo Canyon Power Plant Unit Nos. 1 and 2, Exemption from the Requirements of 10 CFR Part 73, Section 55 (TAC Nos. ME2903 and ME2904)," dated March 2, 2010

Dear Commissioners and Staff:

In accordance with the requirements of 10 CFR 73.5 "Specific Exemptions," Pacific Gas and Electric Company (PG&E) requests the NRC approve an exemption from specific requirements of 10 CFR Part 73, "Physical Protection of Plants and Materials," for the Diablo Canyon Power Plant (DCPP) by extending the deadline for the implementation of new security requirements issued by the NRC in a Final Rule dated March 27, 2009, (74 FR 13926).

Pursuant to the Final Rule, the new security requirements were to be implemented by March 31, 2010. In Reference 1, PG&E requested a schedular exemption to implement specific upgrades to meet the new requirements. The NRC approved the requested exemption in Reference 2.

In the interim [...]

An evaluation of [...]

However, due to [...] The details and basis are provided in Enclosure 1.



PG&E will [...]

In accordance with 10 CFR 73.5, this exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. PG&E's current security program provides continued assurance of public health and safety and common defense and security.

PG&E requests approval of this exemption request by May 18, 2011. The proposed exemptions are requested to be effective upon issuance.

A security-related version of this letter (DCL-11-032-SR) was signed and submitted to the NRC on this date.

PG&E makes no regulatory commitments (as defined by NEI 99-04) in this letter. This letter includes no revisions to existing regulatory commitments.

If you have further questions, or require additional information, please contact Mr. Michael Priebe at (805) 545-4510.

Sincerely,

James R. Becker
Site Vice President

pns3/6984

Enclosures

cc: Elmo E. Collins, NRC Region IV
cc/enc: Michael S. Peck, NRC Senior Resident Inspector
James T. Polickoski, NRC Project Manager
Alan B. Wang, NRC Project Manager

Request for Exemption from Specific Physical Security Requirements

Background

The NRC issued a Final Rule for new security requirements in the Federal Register dated March 27, 2009. Per the Final Rule, new security requirements were to have been implemented by March 31, 2010. Pacific Gas and Electric Company (PG&E) requested a schedular exemption to implement the new requirements in PG&E Letter DCL-09-085-Public, "Request for Exemption from Specific 10 CFR Part 73 Requirements," dated December 4, 2009. The NRC approved the requested exemption in NRC letter to PG&E, "Diablo Canyon Power Plant Unit Nos. 1 and 2, Exemption from the Requirements of 10 CFR Part 73, Section 55 (TAC Nos. ME2903 and ME2904)," dated March 2, 2010. The NRC-approved exemption allowed for an extension to June 30, 2011.

The Diablo Canyon Power Plant (DCPP) [...]

The activities described [...] reference only. [...]

Accordingly, PG&E has determined that additional time is required, beyond the currently approved exemption date, to complete the specific upgrades described in PG&E Letter DCL-09-085-Public as [...] PG&E is therefore requesting a schedular exemption until March 31, 2012.

[...] Security Modifications

The existing protection methods at [...]

However, to assure compliance with 10 CFR 73.55 rulemaking of March 31, 2010, PG&E has reexamined the requirements for [...]

The schedule for completion of the above listed activities is February 28, 2012.

[...] Security Modifications

[...]

[...] Modifications

[...]

PG&E is not requesting an exemption extension for [...]

Excepting the specific items described below, PG&E has completed the modifications necessary to comply with 10 CFR 73 requirements with a deadline of March 31, 2010.

These items, subject to the request for a schedular exemption, will be implemented by March 31, 2012. At that time, DCPD will be in full compliance with the Final Rule.

Requested Exemptions

PG&E requests an exemption, from the implementation deadline only, for the two items listed below. PG&E's current security program will provide continued assurance of public health and safety. The defensive strategy implemented in conjunction with the DCPD Physical Security Plan will not be impacted by the implementation activities associated with meeting the requirements of the new 10 CFR 73.55 regulation. Accordingly, the requested exemptions are authorized by law, will not endanger life or property or the common defense and security, and are otherwise in the public interest in accordance with 10 CFR 73.5.

Item 1

Regulation

[...]

Issue

[...]

Item 2

Regulation

[...]

Issue

[...]

Basis for Proposed Exemption

Pacific Gas and Electric Company (PG&E) is requesting an exemption from 10 CFR 73.55(e)(7)(i)(B) and 10 CFR 73.55(i)(3)(vii). The basis for requesting an extension to the previously granted exemption from March 31, 2010, is [...]

PG&E based the original schedular exemption request to be complete by June 30, 2011, on the completion of physical modifications to address noncompliant aspects of [...]

In response [...]

Concurrent with [...]

The [...] PG&E is using the industry accepted work control process to systematically assure safety of the station and schedule the actions as necessary to comply with 10 CFR 73.55 and 10 CFR 73.58.

Further, if the requested extension is not granted, PG&E would be caused to demonstrate compliance for 10 CFR 73.55 [...] with the use of compensatory measures. Compensatory measures would cause an increase for overtime worked by DCCP security officers which, when combined with the Main PA modifications, will challenge compliance with the fatigue management rule.

The combination [...]

The schedule presents a realistic plan for completion of the modifications to achieve 10 CFR 73.55 compliance at the Intake Structure PA. Based on this schedule PG&E requests a schedular exemption until March 31, 2012.

Figure 1
Milestone Schedule for New 10 CFR 73 Requirements Requiring Scheduling Exemption

[...]

Environmental Assessment

1. Describe any change to the types, characteristics, or quantities of nonradiological effluents discharged to the environment as a result of the proposed exemptions.

PG&E Response

There are no expected changes in the types, characteristics, or quantities of nonradiological effluents discharged to the environment associated with the proposed exemptions. This application is associated with implementation of security changes. These security changes will not result in changes to the design basis requirements for the structures, systems, and components (SSCs) at the Diablo Canyon Power Plant (DCPP) that function to limit the release of nonradiological effluents during and following postulated accidents. All the SSCs associated with limiting the release of offsite nonradiological effluents will therefore continue to be able to perform their functions. As a result, there is no significant nonradiological effluent impact. There will be no materials or chemicals introduced into the plant associated with the security modifications that could affect the characteristics or types of nonradiological effluents. In addition, the method of operation of nonradiological waste systems will not be affected by these proposed exemptions.

2. Describe any changes to liquid radioactive effluents discharged as a result, of the proposed exemptions.

PG&E Response

There are no expected changes to the liquid radioactive effluents discharged as a result of these proposed exemptions. The proposed exemptions will not interact to produce any different quantity or type of radioactive material in the reactor coolant system. These proposed exemptions will not result in changes to the design basis requirements for the SSCs at DCPP that function to limit the release of liquid radiological effluents during and following postulated accidents. All SSCs associated with limiting the release of liquid radiological effluents will therefore continue to be able to perform their functions. As a result, there is no significant liquid radiological effluent impact.

3. Describe any changes to gaseous radioactive effluents discharged as a result of the proposed exemptions.

PG&E Response

For the same reasons as described in number 2 above, these proposed exemptions would have no effect on the characteristics of gaseous radioactive effluents.

4. Describe any change in the type or quantity of solid radioactive waste generated as a result of the proposed exemptions.

PG&E Response

These proposed exemptions will not result in changes to the design basis requirements for the SSCs at DCPD that function to limit the release of solid waste during and following postulated accidents. All SSCs associated with limiting the release of solid radioactive waste will therefore continue to be able to perform their function. Radiation surveys will be performed in accordance with plant radiation protection procedures on excavated dirt that could be contaminated, such as inside the protected areas (PAs) or radiation control areas, that will be disposed of offsite. Any contaminated dirt will be handled in accordance with plant procedures. DCPD has a radiation survey program and procedures to handle any contaminated excavated soil that is inside the PAs or radiation control areas.

5. What is the expected change in occupational dose as a result of the proposed exemptions under normal and design basis accident conditions?

PG&E Response

Under normal power operation there would be no expected radiological impact on the workforce. There are no other expected changes in normal occupational operating doses. Control room dose is not impacted by the proposed exemptions and would not impact occupational dose.

6. What is the expected change in the public dose as a result of the proposed exemptions under normal and Design Basis Accident (DBA) conditions?

PG&E Response

Dose to the public will not be changed by the proposed exemptions during normal operations or DBA conditions. As noted in items 2, 3, and 4 above, there is no basis to contemplate an increased source of liquid, gaseous or solid radiological effluents that could contribute to increased public exposure during normal operations and DBA conditions. The proposed security changes do not impact systems used during normal operation or systems used to detect or mitigate a DBA.

7. What is the impact to land disturbance for the proposed exemptions?

PG&E Response

Surveys of the DCPD site have previously been performed, and environmentally sensitive areas identified. In addition, locations of cultural resources significance are

identified including the archeological site CA-SLO-2, which has been clearly delineated north of the PAs. A procedure is in place to ensure that the archeological site is protected and managed in accordance with the DCPD Archaeological Resources Management Plan.

The security modifications associated with the proposed exemptions involve only limited soil excavations. None of the planned excavations will occur in previously undisturbed areas. Specifically, the planned modifications do not involve land disturbance in environmentally sensitive areas, the archeological site CA-SLO-2, or any other location of cultural resources significance.

Conclusion:

There is no significant radiological environmental impact associated with the proposed security changes at DCPD. These proposed changes will not affect any historical sites nor will they affect nonradiological plant effluents.